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8 Attorneys for Plaintiff
ANDREW CARR

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 ANDREW CARR, individually and on behalf
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 BEVERLY HEALTH AND
REHABILITATION SERVICES, INC.,
18 GOLDEN LIVINGCENTER - PETALUMA,
and DOES 1 to 50,

19 Defendants.

Case No.: 12-CV-02980-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING MOTION TO
DISMISS AND CASE MANAGEMENT
CONFERENCE**

Courtroom: 5
Judge: Hon. Edward M. Chen

The parties hereby stipulate as follows:

WHEREAS, Defendant Beverly Health and Rehabilitation Services, Inc. filed a Motion to Dismiss Pursuant to F.R.C.P. 12(B)(6) ("Motion to Dismiss"), which has been fully-briefed by all parties;

WHEREAS, since the filing of the Motion to Dismiss but prior to it being heard, the parties agreed to engage in private mediation with Mr. Michael Loeb at JAMS in San Francisco. The parties were scheduled to engage in mediation with Mr. Loeb on December 18, 2012. In anticipation of the mediation, the parties exchanged a statistically significant sample of documentation and information in order to allow the parties to prepare and engage in a meaningful and productive mediation. The complete review and analysis of the produced data, however, could not be completed and reviewed by the initial December 18, 2012, mediation date. Thus, the mediation was postponed.

WHEREAS, the parties are in the process of continuing to review and analyze the documentation and information that has been produced by Defendant. Additionally, Alan Harris, lead counsel for the Plaintiff, has been engaged in trial preparation and trial and has been unable to reschedule the mediation prior to January 17, 2013, the parties' current deadline to complete mediation;

IT IS THEREFORE STIPULATED AND AGREED, in order to allow the parties to reschedule a mutually-convenient date for mediation, the parties have stipulated to continuing their deadline to mediate with Mr. Loeb until February 28, 2013. The parties further stipulate to continue the hearing on the Motion to Dismiss and the Case Management Conference until March 14, 2013, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the Court. The parties shall file a Joint Case Management Statement at least one week prior to the Case Management Conference.

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1 **IT IS SO STIPULATED.**

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3 Date: January 9, 2013

Respectfully submitted,

HARRIS & RUBLE

4 By _____ /s/
5 Alan Harris

6 Attorneys for Plaintiff
7 ANDREW CARR

8 Date: January 9, 2013

DINSMORE & SHOHL LLP

9 By _____ /s/
10 Carly Chu

11 Attorneys for Defendant
12 BEVERLY HEALTH AND
13 REHABILITATION SERVICES, INC.

14 **IT IS HEREBY ORDERED AS FOLLOWS:**

15 The parties shall complete mediation on or before February 28, 2013. The hearing on the
16 Motion to Dismiss and the Case Management Conference is continued to March 14, 2013, at 1:30
17 p.m. in Courtroom 5. The parties shall file a Joint Case Management Statement at least one week
18 prior to the Conference.

19 DATED: January ¹⁰____, 2013

